

Article - Public Utilities

[\[Previous\]](#)[\[Next\]](#)

§7-507.

(a) A person, other than an electric company providing standard offer service under § 7-510(c) of this subtitle or a municipal electric utility serving customers solely in its distribution territory, may not engage in the business of an electricity supplier in the State unless the person holds a license issued by the Commission.

(b) An application for an electricity supplier license shall:

(1) be made to the Commission in writing on a form adopted by the Commission;

(2) be verified by oath or affirmation; and

(3) contain information that the Commission requires, including:

(i) proof of technical and managerial competence;

(ii) proof of compliance with all applicable requirements of the Federal Energy Regulatory Commission, and any independent system operator or regional or system transmission operator to be used by the licensee;

(iii) a certification of compliance with applicable federal and State environmental laws and regulations that relate to the generation of electricity; and

(iv) payment of the applicable licensing fee.

(c) The Commission shall, by regulation or order:

(1) require proof of financial integrity;

(2) require a licensee to post a bond or other similar instrument, if, in the Commission's judgment, the bond or similar instrument is necessary to insure an electricity supplier's financial integrity;

(3) require a licensee to:

(i) provide proof that it is qualified to do business in the State with the Department of Assessments and Taxation; and

(ii) agree to be subject to all applicable taxes; and

(4) adopt any other requirements it finds to be in the public interest, which may include different requirements for:

(i) electricity suppliers that serve only large customers; and

(ii) the different categories of electricity suppliers.

(d) A license issued under this section may not be transferred without prior Commission approval.

(e) The Commission shall adopt regulations or issue orders to:

(1) protect consumers, electric companies, and electricity suppliers from anticompetitive and abusive practices;

(2) require each electricity supplier to provide, in addition to the requirements under § 7-505(b)(5) of this subtitle, adequate and accurate customer information to enable customers to make informed choices regarding the purchase of any electricity services offered by the electricity supplier;

(3) establish reasonable restrictions on telemarketing;

(4) establish procedures for contracting with customers;

(5) establish requirements and limitations relating to deposits, billing, collections, and contract cancellations;

(6) establish provisions providing for the referral of a delinquent account by an electricity supplier to the standard offer service under § 7-510(c) of this subtitle; and

(7) establish procedures for dispute resolution.

(f) In accordance with regulations or orders of the Commission, electricity bills, for competitive and regulated electric services, provided to consumers may provide, in addition to the requirements of § 7-505(b)(5) of this subtitle and subsection (e)(2) of this section, the following information:

(1) the identity and phone number of the electricity supplier of the service;

(2) sufficient information to evaluate prices and services; and

(3) information identifying whether the price is regulated or competitive.

(g) (1) An electricity supplier or any person or governmental unit may not, without first obtaining the customer's permission:

(i) make any change in the electricity supplier for a customer;
or

(ii) add a new charge for a new or existing service or option.

(2) The Commission shall adopt regulations or issue orders establishing procedures to prevent the practices prohibited under paragraph (1) of this subsection.

(h) (1) An electricity supplier may not discriminate against any customer based wholly or partly on race, color, creed, national origin, or sex of an applicant for service or for any arbitrary, capricious, or unfairly discriminatory reason.

(2) An electricity supplier may not refuse to provide service to a customer except by the application of standards that are reasonably related to the electricity supplier's economic and business purposes.

(i) An electricity supplier shall be subject to all applicable federal and State environmental laws and regulations.

(j) An electricity supplier shall post on the Internet information that is readily understandable about its services and rates for small commercial and residential electric customers.

(k) (1) The Commission may revoke or suspend the license of an electricity supplier, impose a civil penalty or other remedy, order a refund or credit to a customer, or impose a moratorium on adding or soliciting additional customers by the electricity supplier, for just cause on the Commission's own investigation or on complaint of the Office of People's Counsel, the Attorney General, or an affected party.

(2) A civil penalty may be imposed in addition to the Commission's decision to revoke, suspend, or impose a moratorium.

(3) Just cause includes:

Commission;

(i) intentionally providing false information to the

(ii) switching, or causing to be switched, the electricity supply for a customer without first obtaining the customer's permission;

(iii) failing to provide electricity for its customers;

(iv) committing fraud or engaging in deceptive practices;

(v) failing to maintain financial integrity;

(vi) violating a Commission regulation or order;

(vii) failing to pay, collect, remit, or calculate accurately applicable State or local taxes;

(viii) violating a provision of this article or any other applicable consumer protection law of the State;

(ix) conviction of a felony by the licensee or principal of the licensee or any crime involving fraud, theft, or deceit; and

(x) suspension or revocation of a license by any State or federal authority.

(1) (1) An electricity supplier or person selling or offering to sell electricity in the State in violation of this section, after notice and an opportunity for a hearing, is subject to:

(i) a civil penalty of not more than \$10,000 for the violation;

or

(ii) license revocation or suspension.

(2) Each day a violation continues is a separate violation.

(3) The Commission shall determine the amount of any civil penalty after considering:

(i) the number of previous violations of any provision of this division;

(ii) the gravity of the current violation; and

(iii) the good faith of the electricity supplier or person charged in attempting to achieve compliance after notification of the violation.

(m) In connection with a consumer complaint or Commission investigation under this section, an electricity supplier shall provide to the Commission access to any accounts, books, papers, and documents which the Commission considers necessary to resolve the matter at issue.

(n) The Commission may order the electricity supplier to cease adding or soliciting additional customers or to cease serving customers in the State.

(o) The Commission shall consult with the Consumer Protection Division of the Office of the Attorney General before issuing regulations designed to protect consumers.

(p) The People's Counsel shall have the same authority in licensing, complaint, and dispute resolution proceedings as it has in Title 2 of this article.

(q) Nothing in this subtitle may be construed to affect the authority of the Division of Consumer Protection in the Office of the Attorney General to enforce violations of Titles 13 and 14 of the Commercial Law Article or any other applicable State law or regulation in connection with the activities of electricity suppliers.

[\[Previous\]](#)[\[Next\]](#)